

Entered - 4-4-01 - sb  
CL - 01L0214 ALEXIS HOLMES

CLAIM OF: **CAROLYN W. PEARCE**  
515 Mountain Way NE  
Atlanta, Georgia 30342

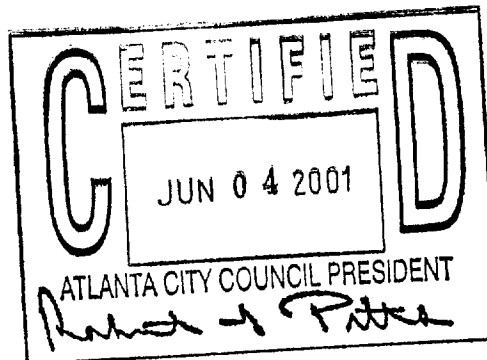
01-*R*-0815

For damages alleged to have been sustained as a result of vehicular damage after driving over concrete median dividers on February 14, 2001 at Wieuca Road and Lake Moore.

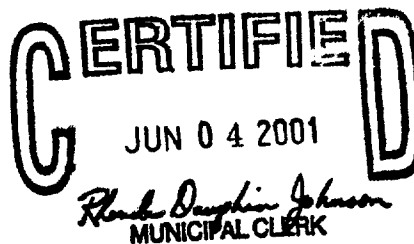
THIS ADVERSE REPORT IS APPROVED

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL JUN 04 2001



ADVERSE REPORT  
COM. *Public Safety*  
DATE *5/29/01*  
CHM. *C. Williams*  
*Markus*  
*Clara*  
*Clara Henslow*





**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

June 19, 2001

Carolyn W. Pearce  
515 Mountain Way N E  
Atlanta, Georgia 30342

**01-R-0815**

Dear Ms. Pearce:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on June 4, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

*Rhonda Dauphin Johnson*

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 01L0214

Date: 5/15/03

Claimant /Victim CAROLYN W. PEARCE

BY: (Atty) \_\_\_\_\_

Address: 515 Mountain Way, NE Atlanta, Georgia 30342

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 157.47 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 3/9/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 2/14/01 Place: Wieuca Road and Lake Moore Drive

Department Public Works Division: Traffic and Transportation

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant sustained damages to her vehicle when she drove over concrete median dividers that were placed in the road. However, this is a duplicate claim, a previous claim was filed by the claimant on March 9, 2001 under claim number 01L0174, alleging the same damages. Claim number 01L0174 was amicably resolved on May 3, 2001.

**INVESTIGATION:**

Statements: City employee X Claimant \_\_\_\_\_ Other X Written X Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial X

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
\_\_\_\_\_  
INVESTIGATOR - ALEXIS HOLMES

**RECOMMENDATION:**

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 05-16-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

0110241

RE: CLAIM FOR DAMAGES

Holmes  
03/27/01  
Du

Today's Date: 2-28-01

ENTERED - 4-4-01 - SB  
0110214 - ALEXIS HOLMES

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 157.47 property and/or \$ -0- bodily injury for which I contend the City is liable.

1. Date of incident: 2-14-01 (month/day/year) 2. Time of Incident: 7:30 PM 3. Police called: Yes ☒ No
4. Location of incident (including street address): Intersection of Winna Rd & Lakemoore
5. Name of your insurance company: Central Ins. Co. Policy No. 5172473
6. State what and how incident occurred: Left front wheel struck concrete mounds in the middle of the street destroying the tire & the wheel. See attached bill from Charles Allen BP Station, and see attached letter to Lee Morris: Road & Safety Hazard.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: HONDA ACCORD 1992 434XCE Tom C. Pearce  
(Make) (Year) (Tag Number) (Driver's Name) Spouse  
City vehicle: N/A  
(Make) (City Driver's Name) (Department/Bureau)  
9. Witness: N/A  
(Name) (Address) (Telephone Number)
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Carolyn W. Pearce  
Signature of Claimant

CAROLYN W. PEARCE  
(Print Claimant's Name)  
515 Mountain Way NE  
(Address)  
Atlanta, Ga. 30342  
(City, State and Zip Code)

404-231-1935 404-255-1702  
(Work Number) (Home Number)

Copy to Lee Morris  
Council Member District 7  
55 Trinity Ave. SW  
Atlanta, Ga. 30335

February 28, 2001

Mr. Lee Morris  
Council Member District 7  
55 Trinity Avenue, SW  
Atlanta, Ga. 30335

Re: Road & Safety Hazard at Wieuca Rd. & Lakemoore

Dear Sir;

The numerous concrete mounds, approximately 3" high and 8" in diameter recently placed in the middle of the street are a real road and safety hazard. Greg, the service manager at the Charles Allen BP Station on Roswell Rd told us there were six other cars that had come in to his station with damaged tires the week prior to our incident at this same location.

In terms of safety: if two cars were approaching each other on Wieuca, and one of them struck one of these mounds, it could easily throw that car into the path of the on-coming car.

In our accident we were going no more than 25 miles an hour when the left front tire hit one of the concrete mounds destroying the tire and wheel: see attached \$157.47 repair bill and claim form.

Thank you for assisting us in processing this claim, and for your consideration of our concerns re. this hazard in our neighborhood.

Sincerely;

Tom C. Pearce Jr. and Carolyn W. Pearce  
515 Mountain Way NE  
Atlanta, Ga. 30342  
(404)255-1702

01-R-0815

RCS# 2912  
6/04/01  
2:56 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 12

ADOPT

SEE ATTACHED LISTING OF  
ITEMS ADOPTED/ADVERSED  
ON CONSENT AGENDA

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 3

*Unanimous*

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	B Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	B Boazman	NV Pitts

ITEM (S) REMOVED FROM  
CONSENT AGENDA  
01-O-0653  
01-O-0663  
01-O-0664  
01-O-0835  
01-R-0181  
01-R-0851

CONSENT

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**06/04/01 Council Meeting**

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 01-O-0821
2. 01-O-0834
3. 01-O-0833
4. 01-O-0492
5. 01-O-0671
6. 01-O-0717
7. 01-O-0825
8. 01-O-0826
9. 01-O-0837
10. 01-R-0832
11. 01-R-0308
12. 01-R-0836
13. 01-R-0784
14. 01-R-0785
15. 01-R-0822
16. 01-R-0352
17. 01-R-0792
18. 01-R-0846
19. 01-R-0794
20. 01-R-0795

**ITEMS ADVERSED  
ON CONSENT AGENDA**

21. 01-R-0796
  22. 01-R-0797
  23. 01-R-0798
  24. 01-R-0799
  25. 01-R-0800
  26. 01-R-0801
  27. 01-R-0802
  28. 01-R-0803
  29. 01-R-0804
  30. 01-R-0805
  31. 01-R-0806
  32. 01-R-0807
  33. 01-R-0808
  34. 01-R-0891
  35. 01-R-0810
  36. 01-R-0811
  37. 01-R-0812
  38. 01-R-0813
  39. 01-R-0814
  40. 01-R-0815
  41. 01-R-0816
  42. 01-R-0817
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